



State of New Jersey
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
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TAG POLICY LETTER 04-1

15 February 2004

POLICY AGAINST SEXUAL HARASSMENT AND HOSTILE WORK ENVIRONMENT

1. The New Jersey Department of Military Affairs (DMAVA) is committed to maintaining a work environment free from the demoralizing effects of harassment or unwelcome offensive or improper conduct. Sexual harassment or harassment based on race, gender, color, religion, national origin, age, sexual orientation, disability, or veteran status, or any other status protected by law shall not be tolerated.

- No one may threaten or imply that an employee's submission to, or rejection of, sexual advances will in any way influence any decision about the employee's employment, advancement, duties, compensation, or other terms or conditions of employment.
- No one may take any personnel action based on an employee's submission to, or rejection of, sexual advances.
- No one may subject another employee to any unwelcome conduct of a sexual nature. This includes both unwelcome physical touching, blocking, staring, making sexual gestures, making or displaying sexual drawings or photographs, and unwelcome verbal conduct, such as sexual propositions, slurs, insults, jokes and other sexual comments.
- An employee's conduct will be considered unwelcome and in violation of this policy when the employee knows, or should know, that it is unwelcome to the person subjected to it.
- No one may harass anyone because of that person's race, gender, color, religion, national origin, age, sexual orientation, disability, or veteran status, or any other status protected by law.

This TPL supersedes #00-3, dated 1 Feb 00.

- Third party harassment is unwelcome behavior of a sexual base that is not directed at the individual, but is a part of the individual's work environment.

2. While it is not easy to provide a complete list of the types of improper behavior, prohibited conduct certainly includes:

- unwelcome sexual advances;
- requests for sexual favors;
- obscene gestures/language;
- displaying sexually graphic magazines, calendars, objects, or posters;
- sending sexually explicit, racially offensive or derogatory e-mails or voicemails, and;
- other verbal or physical conduct of a sexual or offensive nature, such as uninvited touching of a sexual nature or sexually-related comments;
- using offensive slurs or stereotypes (racial, ethnic, etc.) and making jokes about these characteristics;
- leering or staring at another's body.

3. Employees should promptly report incidents of harassment. Complaints may be made verbally and/or in writing. While all complaints will be taken seriously, anonymous complaints pose a unique challenge, and will, in most cases, be referred to the chain of command/supervision for appropriate inquiry. Procedural requirements for making complaints vary based on the employment status of each employee as well as the type of harassment involved.

a. **Federal Employees:** File your complaint with a manager or supervisor in your technician chain, the State Equal Employment Manager, or an appointed Equal Employment Office Counselor.

b. **AGR Employee or Traditional National Guard Member:** File your complaint with your supervisor or commander at your lowest chain of command. If this is also the person you are complaining about, you should make your complaint to the commander at the next level of command. You may also file your complaint with the State Equal Employment Manager.

c. **State Employees:** File your complaint with the designated Affirmative Action Officer (AAO) at your work location. The locally designated AAO shall forward all complaints to the Department of Military and Veterans Affairs Affirmative Action Officer.

4. All reported incidents shall be investigated with an effort to keep the source of the report confidential except where the Department finds disclosure necessary for resolution. Where inappropriate conduct has occurred, specific disciplinary actions, up to and including termination, where appropriate, may be initiated.

Retaliation against any employee who alleges that she/he was the victim of discrimination/harassment, or against any employee who provides information in the course of an investigation into claims of unlawful discrimination/harassment in the work environment is prohibited by this policy. Any employee/service member bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall not be subjected to adverse employment consequences based upon such involvement or be the subject of retaliation.

5. If any employee knowingly makes a false accusation or provides false information in the course of the investigation of a complaint, such conduct may be grounds for discipline, up to and including termination. Complaints made in good faith, however, even if found to be unsubstantiated; will not be considered a false accusation.

6. If you have questions about my policy, please contact either the Department of Military and Veterans Affairs Affirmative Action Officer, or the Joint Force Headquarters J1's State Equal Employment Manager (SEEM) or Human Relations/EO Officer (Army), or the Military Equal Opportunity Office (Air).

GLENN K. RIETH
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